

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NORTHWEST ADMINISTRATORS, INC.,

Plaintiff,

v.

REPUBLIC PARKING SYSTEM, LLC, a
Tennessee limited liability company,

Defendant.

NO.

COMPLAINT TO COMPEL AUDIT

I.

Plaintiff, Northwest Administrators, Inc., is an organization incorporated under the laws of the State of Washington, with its principal place of business in King County, and is the authorized administrative agency for and the assignee of the Western Conference of Teamsters Pension Trust Fund (hereinafter "Trust").

II.

The Pacific Coast Benefits Trust Fund is an unincorporated association operating as a Trust Fund pursuant to Section 302 of the Labor Management

COMPLAINT TO COMPEL AUDIT - 1

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1 Relations Act of 1947, as amended, to provide retirement benefits to eligible
2 participants.

3 III.

4 This Court has jurisdiction over the subject matter of this action under
5 Section 502(e)(1) and (f) of the Employee Retirement Income Security Act of 1974
6 ("ERISA"), 29 U.S.C. §1132(e)(1) and (f) and under §301(a) of the Taft-Hartley Act,
7 29 U.S.C. §185(a).
8

9 IV.

10 Venue is proper in this District under Section 502(e)(2) of ERISA, 29 U.S.C.
11 §1132(e)(2), because the Plaintiff Trust Fund is administered in this District.
12

13 V.

14 Defendant is a Tennessee limited liability company.

15 VI.

16 Defendant is bound to a collective bargaining agreement with Local 117 of
17 the International Brotherhood of Teamsters (hereinafter "Local"), under which the
18 Defendant was required to promptly and fully report for and pay monthly
19 contributions to the Trust at specific rates for each hour of compensation (including
20 vacations, holidays, overtime and sick leave) said Defendant paid to its employees
21 who were members of the bargaining unit represented by the Local (such
22 bargaining unit members were any of the Defendant's part time or full time
23
24
25
26

1 employees who performed any work task covered by the Defendant's labor contract
2 with the Local, whether or not those employees ever actually joined the Local).

3 VII.

4 Defendant accepted the Trust's Agreement & Declaration Agreement ("Trust
5 Agreement") which provides in part:

6 Each Employer shall promptly furnish to the Trustees on
7 demand any and all records of his Employees,
8 concerning the classification of such Employees, their
9 names, Social Security numbers, amount of wages paid
10 and hours worked and any other payroll records and
11 information that the Trustees may require in connection
12 with the administration of the Trust Fund. Each
13 Employer shall also submit in writing to the Trustees at
14 such regular periodic intervals and in such form as the
15 Trustees may establish such of the above data as may
16 be requested by the Trustees. The Trustees or their
17 authorized representatives may examine the payroll
18 books and records of each Employer whenever such
19 examination is deemed necessary or advisable by the
20 Trustees in connection with the proper administration of
21 the Trust Fund.

22 VIII.

23 The Trustees of the Pacific Coast Benefits Trust Fund deem it both
24 necessary and advisable to the proper administration of the Trust that their
25 authorized representatives examine the Defendant's books and records for the
26 inclusive period December 1, 2012 to the Present Date to determine if the
Defendant previously reported for and paid to the Trust all of the amounts due for
the Defendant's employment of members of the bargaining unit represented by the
Trust for said period.

COMPLAINT TO COMPEL AUDIT - 3

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IX.

Despite notification to the Defendant of the Trustees' desire to conduct an audit for the period December 1, 2012 to the Present Date, and demands made upon the Defendant on the Trust's behalf for access to Defendant's records for an examination of them for that period, to date the Defendant has failed and refused to make all of its records available for the thorough examination the Trustees deem necessary and advisable to the proper administration of the Trust.

WHEREFORE, plaintiff, on the Trust's behalf, prays the court as follows:

1. That the Court enter an Order Compelling Audit under which Defendant shall be directed by the Court, within a specified time, to make available to the authorized representatives of the Trustees of the Trust for the period December 1, 2012 to the Present Date:

- A. Payroll for the period 2012 – 2015;
- B. Full employee roster listing all employees, with hire or position date;
- C. State of California Quarterly Wage and Withholding Reports (DE6/DE9) – or – State Employer Security Reports;
- D. Quarterly FICA and Federal Income Tax Reports (941/941A);
- E. Labor Contracts – plus any addendums or supplements, if applicable; and

1 2. Afford to the authorized representatives of the Trustees of the Trust
2 both ample time and opportunity to examine all such materials of Defendant at such
3 time and at such place as shall be convenient to the Trustees' authorized
4 representatives.

5 3. For judgment against the Defendant for:

- 6 A. All of the Plaintiff's attorney's fees incurred in gaining auditor
7 access to Defendant's records;
8
9 B. All of the Plaintiff's costs incurred in gaining auditor access to
10 defendant's records, and
11
12 C. For such other and further relief as the Court may deem just
and equitable.

13 DATED this 15th day of May, 2018.

14 REID, McCARTHY, BALLEW & LEAHY,
15 L.L.P.

16 
17 _____
18 Russell J. Reid, WSBA #2560
19 Attorney for Plaintiff